

AMENDED IN ASSEMBLY MAY 28, 1999

AMENDED IN ASSEMBLY APRIL 8, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1039

Introduced by Assembly Member Aroner

February 25, 1999

An act to amend Sections 11320.1, 11322.6, 11322.8, 11322.9, 11324.8, 11325.21, 11325.23, 11454, and 11477.02 of, and to add Section 11322.95 to, the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1039, as amended, Aroner. CalWORKs program.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the CalWORKs program for the allocation of federal funds received through the TANF program, under which each county provides cash assistance and other benefits to qualified low-income families.

Existing law requires, as a condition of receipt of aid benefits under the CalWORKs program, that the recipient participate in certain welfare-to-work activities, and requires that an adult participant in a one-parent household shall participate in welfare-to-work activities for a specified number of hours each week, unless otherwise exempt.

Under existing law, a parent or caretaker relative is not eligible to receive aid under the CalWORKs program for a cumulative period of more than 18 months, or in certain cases, 24 months, after the individual signs, or refuses, without good cause, to sign a welfare-to-work plan, unless it is certified by the county that there is no job currently available for the recipient and the recipient participates in community service activities.

Existing law provides that counties may provide for community service activities for individuals who have not completed that period and who are not employed in unsubsidized employment, sufficient to meet the required minimum number of hours of participation in welfare-to-work activities.

This bill would authorize counties to provide *subsidized employment as an alternative to community service activities* ~~through subsidized employment as an alternative to wage-based employment~~, subject to certain conditions.

This bill would require counties to pay an assistance payment to participants in wage-based employment in an amount equal to the wages for hours not worked by the participant. This bill would limit that payment to a period of one month and would be paid if the participant fails to satisfy the required hours of work in a single month for reasons constituting good cause.

Existing law requires that any individual who is required to participate in welfare-to-work activities under the CalWORKs program must enter into a written welfare-to-work plan with the county welfare department after assessment, and requires that the plan shall include the activities and services that will move the individual into employment.

Existing law provides that an applicant for, or a recipient of, aid under the CalWORKs program who is dissatisfied with the provisions of the welfare-to-work plan may seek redress through the independent assessment process or the state hearing or county grievance process.

This bill would require that at the time an individual applies for aid under this chapter, or at the time a recipient's eligibility for aid is determined, the county shall provide the

individual, in writing and orally as necessary, with certain program information, including a description of the right of the applicant or recipient to contest the terms of the welfare-to-work plan.

Existing law requires, as a condition of receiving aid under the CalWORKs program, that the recipient participate in certain welfare-to-work activities, but specifies that any student who, at the time he or she is required to participate is enrolled in any undergraduate degree or certificate program that leads to employment may continue in that program for a limited period if he or she is making satisfactory progress in that program if the county determines that continuing in the program is likely to lead to self-supporting employment for that recipient, and the welfare-to-work plan reflects that determination.

Existing law also requires that if participation in educational or vocational training, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least 32 hours, the county shall require concurrent participation in work activities.

This bill would revise that requirement to require that the number of hours required in educational or vocational training include attendance at or preparation for those activities, and would specify that preparation time shall be presumed to be 2 hours for each hour of instruction. The bill would also expand the scope of activities in which a participant whose educational or training activities do not meet the 32-hour limitations may be required by the county to participate in concurrently.

This bill would also provide that if an individual is enrolled in an education or training program at the time he or she is required to participate in the welfare-to-work activities and the county determines that his or her welfare-to-work plan should contain other activities instead of the education or training program, the county shall notify him or her in writing of its determination and inform him or her of the right to appeal the decision, and would declare that provision is declaratory of existing law.

By expanding the duties of counties in the administration of the welfare-to-work activities under the CalWORKs program this bill would result in a state-mandated local program.

Existing law requires recipients of benefits under the CalWORKs program to cooperate with the district attorney in the determination of paternity for purposes of collecting child support, and if the parent is determined not to have cooperated, the applicant's or recipient's family grant is required to be reduced by 25% during the period of noncooperation and requires that child support services for the noncooperating individual be suspended.

This bill would include applicants, recipients, and former recipients with welfare arrearages within the scope of that requirement.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11320.1 of the Welfare and
2 Institutions Code is amended to read:
3 11320.1. Subsequent to the commencement of the
4 receipt of aid under this chapter, the sequence of
5 employment related activities required of participants
6 under this article, unless exempted under Section 11320.3,
7 shall be as follows:
8 (a) Job search. Recipients shall, and applicants may,
9 at the option of a county and with the consent of the
10 applicant, receive orientation to the welfare-to-work

1 program provided under this article, receive appraisal
2 pursuant to Section 11325.2, and participate in job search
3 and job club activities provided pursuant to Section
4 11325.22.

5 (b) Assessment. If employment is not found during
6 the period provided for pursuant to subdivision (a), or at
7 any time the county determines that participation in job
8 search for the period specified in subdivision (a) of
9 Section 11325.22 is not likely to lead to employment, the
10 participant shall be referred to assessment, as provided
11 for in Section 11325.4. Following assessment, the county
12 and the participant shall develop a welfare-to-work plan,
13 as specified in Section 11325.21. The plan shall specify the
14 activities provided for in Section 11322.6 to which the
15 participant shall be assigned, and the supportive services,
16 as provided for pursuant to Section 11323.2, with which
17 the recipient will be provided.

18 (c) Work activities. A participant who has signed a
19 welfare-to-work plan pursuant to Section 11325.21 shall
20 participate in work activities until he or she has received
21 aid for the period specified in subdivision (a) of Section
22 11454. If, after the period specified in paragraph (1) of
23 subdivision (a) of Section 11454, the participant has not
24 obtained unsubsidized employment, the county may
25 extend the welfare-to-work plan by up to six months if the
26 county determines that the extension is likely to lead to
27 unsubsidized employment or if local unemployment or
28 other conditions in the local economy are such that
29 employment is not available. If a recipient has received
30 aid for the period specified in subdivision (a) of Section
31 11454 and returns to aid after a break in aid of at least one
32 month, the county shall determine whether to require
33 the recipient to participate in welfare-to-work activities
34 or in community service.

35 (d) Community service and subsidized employment.

36 (1) If a participant has received aid for the period
37 specified in subdivision (a) of Section 11454, and the
38 participant has not found unsubsidized employment
39 sufficient to meet the hours of participation required by
40 Section 11322.8 and the county has certified that no job is

1 available for that participant, the participant shall remain
2 eligible for aid under this chapter only if he or she
3 participates in community service activities or subsidized
4 employment pursuant to Section 11322.9 or 11322.95.

5 (2) The county shall provide community service
6 activities or other work activities assignments as
7 described in Section 11322.9, and may offer subsidized
8 employment as described in Section 11322.95.

9 (3) An individual may participate in community
10 service activities or a combination of community service
11 activities and subsidized employment as provided in
12 Section 11322.95 until he or she has received aid for a total
13 of 60 months.

14 SEC. 1.1. Section 11322.6 of the Welfare and
15 Institutions Code is amended to read:

16 11322.6. The welfare-to-work plan developed by the
17 county welfare department and the participant pursuant
18 to this article shall provide for welfare-to-work activities.
19 Welfare-to-work activities may include, but are not
20 limited to, any of the following:

21 (a) Unsubsidized employment.

22 (b) Subsidized private sector employment.

23 (c) Subsidized public sector employment.

24 (d) Work experience, which means public or private
25 sector work that shall help provide basic job skills,
26 enhance existing job skills in a position related to the
27 participant's experience, or provide a needed community
28 service that will lead to employment. Unpaid work
29 experience shall be limited to 12 months, unless the
30 county welfare department and the recipient agree to
31 extend this period by an amendment to the
32 welfare-to-work plan. The county welfare department
33 shall review the work experience assignment as
34 appropriate and make revisions as necessary to ensure
35 that it continues to be consistent with the participant's
36 plan and effective in preparing the participant to attain
37 employment.

38 (e) On-the-job training.

39 (f) Grant-based on-the-job training, which means
40 public or private sector employment or on-the-job

1 training in which the recipient's cash grant, or a portion
2 thereof, or the aid grant savings resulting from
3 employment, is diverted to the employer as a wage
4 subsidy to partially or wholly offset the payment of wages
5 to the participant. Grant-based on-the-job training shall
6 include community service positions pursuant to Section
7 11322.9 and subsidized employment pursuant to Section
8 11322.95.

9 (g) Supported work or transitional employment,
10 which means forms of grant-based on-the-job training in
11 which the recipient's cash grant, or a portion thereof, or
12 the aid grant savings from employment, is diverted to an
13 intermediary service provider, to partially or wholly
14 offset the payment of wages to the participant.

15 (h) Work-study.

16 (i) Self-employment.

17 (j) Community service.

18 (k) Adult basic education, which shall include reading,
19 writing, arithmetic, high school proficiency, or general
20 educational development certificate of instruction, and
21 English-as-a-second-language. Participants under this
22 subdivision shall be referred to appropriate service
23 providers that include, but are not limited to, educational
24 programs operated by school districts or county offices of
25 education that have contracted with the Superintendent
26 of Public Instruction to provide services to participants
27 pursuant to Section 33117.5 of the Education Code.

28 (l) Job skills training directly related to employment.

29 (m) Vocational education and training, including, but
30 not limited to, college and community college education,
31 adult education, regional occupational centers, and
32 regional occupational programs.

33 (n) Job search and job readiness assistance, which
34 means providing the recipient with training to learn job
35 seeking and interviewing skills, to understand employer
36 expectations, and learn skills designed to enhance an
37 individual's capacity to move toward self-sufficiency.

38 (o) Education directly related to employment.

39 (p) Satisfactory progress in secondary school or in a
40 course of study leading to a certificate of general

1 educational development, in the case of a recipient who
2 has not completed secondary school or received such a
3 certificate.

4 (q) Mental health, substance abuse, and domestic
5 violence services, described in Sections 11325.7 and
6 11325.8 and Article 7.5 (commencing with Section 11495),
7 that are necessary to obtain and retain employment.

8 (r) Other activities necessary to assist an individual in
9 obtaining unsubsidized employment.

10 Assignment to an educational activity identified in
11 subdivisions (k), (m), (o), and (p) is limited to those
12 situations in which the education is needed to become
13 employed.

14 SEC. 1.5. Section 11322.8 of the Welfare and
15 Institutions Code is amended to read:

16 11322.8. (a) Unless otherwise exempt, and except as
17 provided in Section 11322.95, an adult recipient in a
18 one-parent assistance unit shall participate in
19 welfare-to-work activities for 20 hours each week
20 beginning January 1, 1998, 26 hours each week beginning
21 July 1, 1998, and 32 hours each week beginning July 1,
22 1999, and thereafter. In no event shall the adult recipient
23 participate in welfare-to-work activities less than the
24 required hours of participation under Section 407 of the
25 federal Social Security Act (42 U.S.C. Sec. 607) and any
26 subsequent amendments thereto, for the entire time
27 period on aid. A county retains the option to require all
28 recipients or individual recipients to participate in
29 welfare-to-work activities in excess of the minimum
30 number of hours specified in this subdivision, up to 32
31 hours each week.

32 (b) Unless otherwise exempt, an adult recipient who
33 is an unemployed parent, as defined in Section 11201,
34 shall participate in at least 35 hours of welfare-to-work
35 activities each week that will meet the required hours of
36 participation under Section 407 of the federal Social
37 Security Act (42 U.S.C. Sec. 607) and any subsequent
38 amendments thereto. However, both parents in a
39 two-parent assistance unit may contribute to the 35 hours,
40 if provided in federal law as meeting the federal work

1 participation requirements and if at least one parent
2 meets the federal one-parent work requirement
3 applicable on January 1, 1998. To be eligible for federally
4 funded child care under Article 15.5 (commencing with
5 Section 8350) of Chapter 2 of Part 6 of the Education
6 Code, both parents shall participate in work activities that
7 will meet the required hours of participation under
8 Section 407 of the federal Social Security Act (42 U.S.C.
9 Sec. 607) and any subsequent amendments thereto.

10 SEC. 1.8. Section 11322.9 of the Welfare and
11 Institutions Code is amended to read:

12 11322.9. (a) In accordance with the requirements of
13 this section:

14 (1) Counties may provide for community service
15 activities for individuals who have not completed the
16 period specified in subdivision (a) of Section 11454 and
17 are not employed in unsubsidized employment, sufficient
18 to meet the hours of participation required by Section
19 11322.8.

20 (2) Counties shall provide for community service
21 activities for individuals who have completed the period
22 as specified in subdivision (a) of Section 11454, who
23 cannot find unsubsidized employment sufficient to meet
24 the hours of participation required by Section 11322.8,
25 and the county certifies that no job is currently available
26 to fulfill the hours required by Section 11322.8, and who
27 continue to meet the financial eligibility criteria for aid
28 under this chapter.

29 (b) Community service activities shall meet all of the
30 following criteria:

31 (1) Be performed in the public and private nonprofit
32 sector.

33 (2) Provide participants with job skills that can lead to
34 unsubsidized employment.

35 (3) Comply with the antidisplacement provisions
36 contained in Section 11324.6.

37 (c) Participants in community service activities shall
38 do all of the following:

39 (1) Participate in a community service activity for the
40 number of hours required by Section 11322.8, unless

1 fewer hours of community service participation are
2 required by federal law.

3 (2) Participate in other work activities, including
4 those who have reached the time limits specified in
5 Section 11454, for the number of hours equal to the
6 difference between the hours of participation in
7 community service and the number of hours of
8 participation required under Section 11322.8.

9 (d) The county plan pursuant to Section 10531 shall
10 include a component, developed by the county in
11 collaboration with local private sector employers, local
12 education agencies, county welfare departments,
13 organized labor, recipients of aid under this chapter, and
14 government and community-based organizations
15 providing job training and economic development, in
16 order to identify all of the following:

17 (1) Unmet community needs that could be met
18 through community service activities.

19 (2) The target population to be served.

20 (3) Entities responsible for project development,
21 fiscal administration, and case management services.

22 (4) The terms of community service activities, that, to
23 the extent feasible, shall be temporary and transitional,
24 and not permanent.

25 (5) Supportive efforts, including job search,
26 education, and training, which shall be provided to
27 participants in community service activities.

28 (e) Aid under this chapter for any participant who fails
29 to comply with the requirements of this section without
30 good cause shall be reduced in accordance with Section
31 11327.5.

32 (f) Child care as a supportive service shall be provided
33 to participants in community service activities pursuant
34 to Article 15.5 (commencing with Section 8350) of
35 Chapter 2 of Part 6 of the Education Code, and Section
36 11323.2. Other supportive services may be provided by
37 the county at the county's option. However, if the county
38 does not provide mental health services pursuant to
39 Section 11325.7, the county shall indicate in its county
40 plan under Chapter 1.3 (commencing with Section

1 10530) how mental health services needed by
2 participants will be made available during participation
3 in a community service job.

4 SEC. 2. Section 11322.95 is added to the Welfare and
5 Institutions Code, to read:

6 11322.95. Counties may provide subsidized
7 employment in the private or public sector after the
8 period specified in subdivision (a) of Section 11454, as an
9 alternative to community service activities pursuant to
10 Section 11322.9, subject to the following conditions:

11 (a) Wages paid pursuant to this section shall be
12 supplemented by a stipend of ninety dollars (\$90) per
13 month for mandatory payroll deductions and other work
14 expenses instead of the income disregards set forth in
15 Section 11451.5.

16 (b) Subsidized employment assigned after the time
17 limits specified in Section 11454 shall not exceed one year
18 in duration.

19 ~~(c) Participants in subsidized employment shall be~~
20 ~~allowed to accrue at least four hours of sick leave or family~~
21 ~~leave per month, or a higher amount if the employer~~
22 ~~offers that leave to other comparable employees.~~
23 ~~Vacation leave shall be offered, accrued, and permitted~~
24 ~~to the same extent as it is available to comparable~~
25 ~~employees at the worksite. Accrued but unused leave~~
26 ~~shall be paid in cash to the family at the time it leaves and~~
27 ~~due to unsubsidized employment. Hours of sick leave and~~
28 ~~family leave authorized by the employer and hours that~~
29 ~~a participant cannot work because of~~
30 ~~employer-recognized holidays shall be counted toward~~
31 ~~the participant's weekly participation hours under~~
32 ~~Section 11322.8.~~

33 ~~(d)~~

34 (c) Participants in ~~wage-based community service~~
35 *subsidized employment* shall be considered employees
36 for all purposes, and shall be compensated at no less than
37 the higher of the state or federal minimum wage.

38 ~~(e)~~

39 (d) Subsidized employment shall consist of a
40 minimum of 24 hours per week, which may be increased

1 to up to 32 hours per week at county option. When the
2 hours of ~~wage-based~~ *subsidized* work result in fewer
3 hours than those required by the hourly participation
4 requirements in Section 11322.8, counties may consider
5 that the requirement is satisfied, or may require other
6 activities authorized under Section 11322.6 until the
7 hourly requirements are met.

8 ~~(f)~~

9 (e) Counties shall arrange for participants in
10 ~~wage-based~~ *subsidized* employment to apply and qualify
11 for the earned income tax credit and its advance payment
12 option.

13 ~~(g)~~

14 (f) (1) Participants in ~~wage-based~~ *subsidized*
15 employment who fail to satisfy the required hours of work
16 in a single month for reasons constituting good cause, as
17 specified in subdivision (f) of Section 11320.3, shall be
18 paid an assistance payment in an amount equal to the
19 wages not received for the hours not worked.

20 (2) Participants in ~~wage-based~~ *subsidized*
21 employment who fail to satisfy the required hours of work
22 in two months, counting allowed hours of sick and family
23 leave, whether or not the failure is due to reasons
24 constituting good cause, shall be reassigned to
25 community service or a welfare-to-work activity other
26 than ~~wage-based~~ *subsidized* employment.

27 (3) In no event shall the failure to meet the hourly
28 work requirements result in a payment of wages or
29 assistance payments, including the stipend authorized in
30 subdivision (a), which are less than the amount paid
31 pursuant to Section 11327.5.

32 ~~(h)~~

33 (g) Wages paid to participants pursuant to this section
34 shall be paid by the employer or an entity other than the
35 county.

36 ~~(i)~~

37 (h) Counties may fund the wages for subsidized
38 employment through any combination of the single
39 allocation to counties, any other funds or grant diversion.
40 For purposes of this subdivision, “grant diversion” means

1 public or private sector employment in which the
2 recipient's grant, or a portion thereof, or the aid grant
3 savings resulting from employment, is diverted to the
4 employer as a wage subsidy to partially or wholly offset
5 the payment of wages to the participant.

6 *(i) Counties using subsidized employment shall*
7 *monitor the retention of participants as permanent*
8 *employees by employers participating in subsidized*
9 *employment, and shall cancel the participation of*
10 *employers who demonstrate, over a reasonable period of*
11 *time, an unwillingness to permanently hire recipients*
12 *who have participated in subsidized employment with*
13 *that employer.*

14 SEC. 3. Section 11324.8 of the Welfare and Institutions
15 Code is amended to read:

16 11324.8. (a) At the time an individual applies for aid
17 under this chapter, or at the time a recipient's eligibility
18 for aid is determined, the county shall do all of the
19 following:

20 (1) Provide the individual, in writing and orally as
21 necessary, with at least the following program
22 information:

23 (A) A general description of the education,
24 employment, and training opportunities and the
25 supportive services available, including transitional
26 benefits.

27 (B) A description of the exemptions from required
28 participation provided under this article and the
29 consequences of a refusal to participate in program
30 components, if not exempt.

31 (C) A description of the responsibility of the
32 participant to cooperate in establishing paternity and
33 enforcing child support obligations, and to assist
34 individuals in establishing paternity and obtaining child
35 support as a condition of eligibility.

36 (D) A description of the right to contest the terms of
37 a welfare-to-work plan, as described in subdivision (d).

38 (2) Determine whether the individual is required to
39 participate in the program provided under this article.

1 (b) At the time an individual is required to participate
2 pursuant to this article, he or she shall receive a written
3 preliminary determination that he or she is a member of
4 a targeted group, for purposes of any applicable and
5 operative federal Targeted Jobs Tax Credit and California
6 Jobs Tax Credit.

7 (c) Persons not required to participate may volunteer
8 to participate.

9 (d) An applicant for, or a recipient of, aid who is
10 dissatisfied with the provisions of the welfare-to-work
11 plan may seek redress through the independent
12 assessment process, as described in subdivision (c) of
13 Section 11325.4 or the state hearing or county grievance
14 process, as described in Section 11327.8.

15 SEC. 4. Section 11325.21 of the Welfare and
16 Institutions Code is amended to read:

17 11325.21. (a) Any individual who is required to
18 participate in welfare-to-work activities pursuant to this
19 article shall enter into a written welfare-to-work plan
20 with the county welfare department after assessment as
21 required by subdivision (b) of Section 11320.1, except as
22 provided for in Section 11320.3. The plan shall include the
23 activities and services that will move the individual into
24 employment.

25 (b) The county shall allow the participant three
26 working days after completion of the plan or subsequent
27 amendments to the plan in which to evaluate and request
28 changes to the terms of the plan.

29 (c) The plan shall be written in clear and
30 understandable language, and have a simple and
31 easy-to-read format.

32 (d) The plan shall contain at least all of the following
33 general information:

34 (1) A general description of the program provided for
35 in this article, including available program components
36 and supportive services.

37 (2) A general description of the rights, duties, and
38 responsibilities of program participants, including a list of
39 the exemptions from the required participation under
40 this article, the consequences of a refusal to participate in

1 program components, and criteria for successful
2 completion of the program.

3 (3) A description of the grace period required in
4 paragraph (5) of subdivision (b) of Section 11325.22 and
5 of the right to evaluate and request changes in the terms
6 of the plan within three working days, as provided in
7 subdivision (b).

8 (4) A description of the right to contest the terms of
9 the welfare-to-work plan through an independent
10 assessment, as provided in Section 11325.4, and by the
11 state hearing or county grievance process, as described in
12 Section 11327.8.

13 (e) The plan shall specify, and shall be amended to
14 reflect changes in, the participant's welfare-to-work
15 activity, a description of services to be provided in
16 accordance with Sections 11322.6, and 11322.8 as needed,
17 and specific requirements for successful completion of
18 assigned activities including required hours of
19 participation.

20 The plan shall also include a general description of
21 supportive services pursuant to Section 11323.2 that are
22 to be provided as necessary for the participant to
23 complete assigned program activities.

24 (f) Any assignment to a program component shall be
25 reflected in the plan or an amendment to the plan. The
26 participant shall maintain satisfactory progress toward
27 employment through the methods set forth in the plan,
28 and the county shall provide the services pursuant to
29 Section 11323.2.

30 (g) This section shall not apply to individuals subject
31 to Article 3.5 (commencing with Section 11331) during
32 the time that article is operative.

33 SEC. 5. Section 11325.23 of the Welfare and
34 Institutions Code is amended to read:

35 11325.23. (a) (1) Except as provided in paragraph
36 (2), any student who, at the time he or she is required to
37 participate under this article pursuant to Section 11320.3,
38 is enrolled in any undergraduate degree or certificate
39 program that leads to employment may continue in that
40 program within the time period specified in subdivisions

1 (a) and (d) of Section 11454 if he or she is making
2 satisfactory progress in that program, the county
3 determines that continuing in the program is likely to
4 lead to self-supporting employment for that recipient,
5 and the welfare-to-work plan reflects that determination.

6 (2) Any individual who possesses a baccalaureate
7 degree shall not be eligible to participate under this
8 section unless the individual is pursuing a California
9 regular classroom teaching credential in a college or
10 university with an approved teacher credential
11 preparation program.

12 (3) (A) Subject to the limitation provided in
13 subdivision (f), a program shall be determined to lead to
14 employment if it is on a list of programs that the county
15 welfare department and local education agencies or
16 providers agree lead to employment. The list shall be
17 agreed to annually, with the first list completed no later
18 than January 31, 1998. By January 1, 2000, all educational
19 providers shall report data regarding programs on the list
20 for the purposes of the report card established under
21 Section 15037.1 of the Unemployment Insurance Code for
22 the programs to remain on the list.

23 (B) For students not in a program on the list prepared
24 under subparagraph (A), the county shall determine if
25 the program leads to employment. The recipient shall be
26 allowed to continue in the program within the time
27 period specified in subdivisions (a) and (d) of Section
28 11454 if the recipient demonstrates to the county that the
29 program will lead to self-supporting employment for that
30 recipient and the documentation is included in the
31 welfare-to-work plan.

32 (C) If participation in educational or vocational
33 training, as determined by the number of hours required
34 for attendance at or preparation for classroom,
35 laboratory, or internship activities, is not at least 32 hours,
36 the county shall require concurrent participation in work
37 activities pursuant to subdivisions (a) to (r), inclusive, of
38 Section 11322.6 and Section 11325.22. Preparation time
39 shall be presumed to be two hours of study for each hour
40 of instruction.

1 (D) If an individual is enrolled in an education or
2 training program at the time he or she is required to
3 participate under this article and the county determines
4 that the individual's welfare-to-work plan should contain
5 other activities instead of the education or training
6 program, the county shall notify the individual in writing
7 of its determination and inform the individual of the right
8 to appeal the decision pursuant to any available
9 procedure, including the right to a third party assessment
10 under subdivision (c) of Section 11325.4. This subdivision
11 is declaratory of existing law.

12 (b) Participation in the self-initiated education or
13 vocational training program shall be reflected in the
14 welfare-to-work plan required by Section 11325.21. The
15 welfare-to-work plan shall provide that whenever an
16 individual ceases to participate in, refuses to attend
17 regularly, or does not maintain satisfactory progress in the
18 self-initiated program, the individual shall participate
19 under this article in accordance with Section 11325.22.

20 (c) Any person whose previously approved
21 self-initiated education or training program is
22 interrupted for reasons that meet the good cause criteria
23 specified in subdivision (f) of Section 11320.3 may resume
24 participation in the same program if the participant
25 maintained good standing in the program while
26 participating and the self-initiated program continues to
27 meet the approval criteria. The county shall adjust the
28 completion date of the program, accounting for the time
29 of absence to allow the participant a cumulative
30 timeframe outlined in subdivision (a).

31 (d) Supportive services reimbursement shall be
32 provided for any participant in a self-initiated training or
33 education program approved under this subdivision. This
34 reimbursement shall be provided if no other source of
35 funding for those costs is available. Any offset to
36 supportive services payments shall be made in
37 accordance with subdivision (e) of Section 11323.4.

38 (e) Any student who, at the time he or she is required
39 to participate under this article pursuant to Section
40 11320.3, has been enrolled and is making satisfactory

1 progress in a degree or certificate program, but does not
2 meet the criteria set forth in subdivision (a), shall have
3 until the beginning of the next educational semester or
4 quarter break to continue his or her educational program
5 if he or she continues to make satisfactory progress. At the
6 time the educational break occurs, the individual is
7 required to participate pursuant to Section 11320.1. The
8 time spent in the educational program shall count
9 towards the time limits and community service
10 requirements established for recipients in Sections
11 11320.1 and 11454. A recipient not expected to complete
12 the program by the next break may continue his or her
13 education under the timelines in subdivision (a),
14 provided he or she transfers at the end of the current
15 quarter or semester to a program that qualifies under that
16 subdivision, the county determines that participation is
17 likely to lead to self-supporting employment of the
18 recipient, and the welfare-to-work plan reflects that
19 determination.

20 (f) Any degree, certificate, or vocational program
21 offered by a private postsecondary training provider shall
22 not be approved under this section unless the program is
23 either approved or exempted by the appropriate state
24 regulatory agency and the program is in compliance with
25 all other provisions of law.

26 SEC. 6. Section 11454 of the Welfare and Institutions
27 Code is amended to read:

28 11454. (a) (1) Except as otherwise provided in this
29 chapter and in paragraph (2), a parent or caretaker
30 relative shall not be eligible to receive aid for a
31 cumulative period of more than 18 months after the
32 individual signs, or refuses, without good cause, to sign a
33 welfare-to-work plan, unless it is certified by the county
34 that there is no job currently available for the recipient
35 and the recipient participates in community service
36 activities, pursuant to Section 11322.9, or in subsidized
37 employment pursuant to Section 11322.95.

38 (2) A parent or caretaker relative recipient who is
39 subject to the requirements of paragraph (2) of
40 subdivision (c) of Section 10532 shall not be eligible to

1 receive aid under this chapter for a cumulative period of
2 more than 24 months, unless it is certified by the county
3 that there is no job currently available for the recipient
4 and the recipient participates in community service
5 activities pursuant to Section 11322.9, or in subsidized
6 employment pursuant to Section 11322.95.

7 (3) For purposes of this subdivision, a job shall not be
8 considered to be currently available if a recipient has
9 taken and continues to take all steps to apply for
10 appropriate positions and has not refused an offer of
11 employment without good cause.

12 (4) A parent or caretaker relative recipient to whom
13 paragraph (1) or (2) applies, who is in a job for less than
14 the number of hours required by Section 11322.8, and for
15 whom no job is currently available for the required
16 number of hours, shall remain eligible for aid under this
17 chapter and shall participate in community service
18 activities for the additional number of hours necessary to
19 meet the requirements of Section 11322.8.

20 (b) A parent or caretaker relative shall not be eligible
21 for aid under this chapter when he or she has received aid
22 under this chapter or from any state under the
23 Temporary Assistance for Needy Families program (Part
24 A (commencing with Section 401) of Title IV of the
25 federal Social Security Act (42 U.S.C. Sec. 601 et seq.) for
26 a cumulative total of 60 months.

27 (c) No month in which aid has been received prior to
28 January 1, 1998, shall be taken into consideration in
29 computing the 18-month, 24-month, or 60-month
30 limitation provided for in subdivision (a) or (b).

31 (d) Each county shall adopt criteria for extending the
32 18-month limitation prescribed by subdivision (a) for up
33 to six months if the extension is likely to result in
34 unsubsidized employment or if local unemployment
35 rates or other conditions in the local economy are such
36 that employment is not available.

37 (e) Subdivision (b) shall not be applicable when all
38 parent or caretaker relatives of the aided child who are
39 living in the home of the child meet any of the following
40 requirements:

1 (1) They are 60 years of age or older.

2 (2) They meet one of the conditions specified in
3 paragraph (4) or (5) of subdivision (b) of Section 11320.3.

4 (3) They are not included in the assistance unit.

5 (4) They are receiving benefits under Section 12200 or
6 Section 12300, State Disability Insurance benefits or
7 Workers' Compensation Temporary Disability
8 Insurance, if the disability significantly impairs the
9 recipient's ability to be regularly employed or participate
10 in welfare-to-work activities.

11 (5) They are incapable of maintaining employment or
12 participating in welfare-to-work activities, as determined
13 by the county, based on the assessment of the individual
14 and the individual has a history of participation and full
15 cooperation in welfare-to-work activities.

16 SEC. 7. Section 11477.02 of the Welfare and
17 Institutions Code is amended to read:

18 11477.02. Prior to referral of any individual or
19 recipient, or that person's case, to the district attorney for
20 child support services under Section 11350.1 or 11475.1,
21 the county welfare department shall determine if an
22 applicant, recipient, or former recipient with welfare
23 arrearages has good cause for noncooperation, as set forth
24 in Section 11477.04. If the applicant or recipient claims a
25 good cause exception at any subsequent time to the
26 county welfare department or the district attorney, the
27 district attorney shall suspend child support services until
28 the county welfare department determines the good
29 cause claim, as set forth in Section 11477.04. If good cause
30 is determined to exist, the district attorney shall suspend
31 child support services until the applicant or recipient
32 requests their resumption, and shall take such other
33 measures as are necessary to protect the applicant or
34 recipient and the children. If the applicant, recipient, or
35 former recipient with welfare arrearages is the parent of
36 the child for whom aid is sought and the parent is found
37 to have not cooperated without good cause as provided
38 in Section 11477.04, the applicant's or recipient's family
39 grant shall be reduced by 25 percent for such time as the
40 failure to cooperate lasts.

1 SEC. 8. *It is the intent of the Legislature that the*
2 *State Department of Social Services implement the*
3 *amendments made to Sections 11320.1, 11322.6, 11322.8,*
4 *11322.9, 11324.8, 11325.21, 11325.23, 11454, and 11477.02 of*
5 *the Welfare and Institutions Code, by this act, and Section*
6 *11322.95 of the Welfare and Institutions Code, as added by*
7 *this act, to the extent of funding made available pursuant*
8 *to the Budget Act or any other act.*

9 SEC. 9. Notwithstanding Section 17610 of the
10 Government Code, if the Commission on State Mandates
11 determines that this act contains costs mandated by the
12 state, reimbursement to local agencies and school
13 districts for those costs shall be made pursuant to Part 7
14 (commencing with Section 17500) of Division 4 of Title
15 2 of the Government Code. If the statewide cost of the
16 claim for reimbursement does not exceed one million
17 dollars (\$1,000,000), reimbursement shall be made from
18 the State Mandates Claims Fund.

